

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 14TH DECEMBER 2007 / 23RD AGRAHAYANA 1929

WP(C).No. 12 of 2005(B)

PETITIONERS:

1. FATHIMA BEKKER, W/O. ABOOBACKER,
PUTHENPEEDIKAYIL, KANHIPARA, POST KARIPOL,
MALAPPURAM DISTRICT.
2. M.P.JAMEELA D/O. BEERAN,
MELEPEEDIKAKKAL, PUNNATHALA P.O.,
MALAPPURAM DISTRICT.

BY ADV. SRI.T.KRISHNAN UNNI

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO DEPARTMENT OF LOCAL ADMINISTRATION,
THIRUVANANTHAPURAM DISTRICT.
2. THE EXECUTIVE DIRECTOR,
'KUDUMBASREE', THIRUVANANTHAPURAM.
3. THE DISTRICT MISSION CO-ORDINATOR,
'KUDUMBASREE', MALAPPURAM DISTRICT.
4. THE MANAGER, SOUTH MALABAR GRAMIN BANK,
PUTHANATHANI, MALAPPURAM DISTRICT.
5. THE DEPUTY TAHSILDAR,
REVENUE RECOVERY, TIRUR, MALAPPURAM DISTRICT.

R4 BY ADV. SRI.T.R.RAVI, SC
R1 TO R3 AND R5 BY G.P. SRI. P. PRAVINDRAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 14/12/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1 TRUE COPY OF THE JUDGMENT IN WPC 7467/04 DATED 28.6.2004

EXT. P2 TRUE COPY OF THE NOTICE DATED 29.5.2004 FROM KURUMBATHOOR
PANCHAYATH

EXT.P3 TRUE COPY OF THE NOTICE DATED 29.5.2004 FROM ATHAVANAD PANCHAYATH

EXT.P4 TRUE COPY OF THE NOTICE DATED 30.11.2004 BY THE 5TH RESPONDENT.

EXT.P5 TRUE COPY OF THE REPRESENTATION DATED 30.12.2004 BY THE PETITIONERS TO
RESPONDENTS 3, 4 AND 5.

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE.

C.N. RAMACHANDRAN NAIR, J.

W.P.C. NO. 12 OF 2005

Dated this the 14th day of December, 2007

JUDGMENT

Inspite of a detailed order dated 18.1.2006 directing the District Collector to file a report as to the conditions on which loan was given to members of Kudumbasree through the third respondent, no report is so far filed in this Court. In the absence of co-operation from the District Collector, it is not possible for this court to decide the case. The challenge is against recovery proceedings and amount sought to be recovered is due to the fourth respondent, who is a rural bank. In any case, W.P. is disposed of directing the District Collector to consider objections of petitioner and order recovery against the borrower concerned. Fourth respondent can take up the matter with the District Collector for ordering recovery as above. Recovery against the petitioner will remain stayed for three months from now and thereafter recovery will be based on District Collector's order. Petitioner will produce a copy of this judgment before the concerned District Collector for him to take a decision.

(C.N. RAMACHANDRAN NAIR)
Judge

